

REGULAR MEETING
BOROUGH COUNCIL
BOROUGH OF RUMSON
March 11, 2008

A regular meeting of the Borough Council of the Borough of Rumson was held in the Charles S. Callman Courtroom of the Memorial Borough Hall on March 11, 2008 and was called to order by Mayor John E. Ekdahl at 7:30 p.m.

Pledge of Allegiance.

Present: Mayor Ekdahl, Councilwoman DeVoe, Councilmen Broderick, Hemphill, Kammerer, Rubin and Shanley.

Absent: None.

Thomas S. Rogers, Municipal Clerk/Administrator, was present.

Martin M. Barger, Borough Attorney, was present.

C. Bernard Blum, Jr., Borough Engineer, was not present.

David Marks of T & M Associates was present.

The Mayor declared a quorum present and announced that the notice requirements of the Open Public Meetings Act had been met by the posting and mailing of a schedule of all regular and work meetings of the Borough Council for the year 2008 to the *Asbury Park Press* and the *Two River Times*.

On motion by Councilwoman DeVoe, seconded by Councilman Rubin, the minutes of the previous meeting were approved as written, copies having been forwarded to all Council members. All in favor.

COMMUNICATIONS:

LETTER FROM HELEN L. GRAVES, CHIEF FINANCIAL OFFICER AND TAX COLLECTOR, SUBMITTING THE TAX COLLECTOR'S ANNUAL STATEMENT OF RECEIPTS:

The Municipal Clerk/Administrator advised of a letter to the Mayor and Council dated February 28, 2008 from Helen L. Graves, Chief Financial Officer and Tax Collector submitting the Tax Collector's Annual Statement of Receipts for 2007 and with an Amount Outstanding as of December 31, 2007 of \$784,140.86 and a Percentage of Collections of 98.07%.

On motion by Councilwoman DeVoe, seconded by Councilman Broderick, this communication was ordered received. All in favor.

CONSENT AGENDA:

LETTER FROM THOMAS P. SANTRY, ON BEHALF OF FREDERICK A. AND LISA SEXTON FOR PROPERTY LOCATED AT 6 EDWARDS POINT ROAD, ENCLOSING A COPY OF AN APPLICATION TO THE STATE D.E.P. FOR A CAFRA GENERAL PERMIT 9, COASTAL WETLANDS PERMIT MODIFICATION AND WATERFRONT DEVELOPMENT MODIFICATION TO RELOCATE AN EXISTING RAMP AND FLOATING PIER AND ADD AN ADDITIONAL FLOAT AND PILINGS, IN-GROUND POOL AND HEIGHT ELEVATION:

The Municipal Clerk/Administrator advised of a letter from Thomas P. Santry, P.A. on behalf of Frederick A. and Lisa Sexton, 6 Edwards Point Road. The letter advised of an application submitted to the New Jersey Department of Environmental Protection, Land Use Regulation Program for a CAFRA General Permit 9, Coastal Wetlands Permit Modification and Waterfront Development Modification to relocate an existing ramp and floating pier and add an additional float and pilings, in-ground pool and height elevation.

LETTER FROM THOMAS P. SANTRY, ON BEHALF OF PAUL ABRAHAMSEN AND LISA HAPEMAN FOR PROPERTY LOCATED AT 31 WARDELL AVENUE, ENCLOSING A COPY OF AN APPLICATION TO THE STATE D.E.P. FOR A CAFRA COASTAL GENERAL PERMIT 9 FOR THE CONSTRUCTION OF AN IN-GROUND SWIMMING POOL AND OTHER SITE IMPROVEMENTS:

The Municipal Clerk/Administrator advised of a letter from Thomas P. Santry, P.A. on behalf of Paul Abrahamsen and Lisa Hapeman, 31 Wardell Avenue. The letter advised of an application submitted to the New Jersey Department of Environmental Protection, Land Use Regulation Program for a CAFRA Coastal General Permit 9 for the construction of an in-ground swimming pool and other site improvements.

LETTER FROM THE STATE D.E.P. ADVISING OF THE APPROVAL OF THE WATERFRONT DEVELOPMENT PERMIT AND WATER QUALITY CERTIFICATE FOR CLARK AND EVELYN WOODWORTH FOR PROPERTY LOCATED AT 13 WARDELL AVENUE FOR THE REPLACEMENT OF THE EXISTING BULKHEAD:

The Municipal Clerk/Administrator advised of a letter from the State of New Jersey Department of Environmental Protection approving the Waterfront Development Permit and Water Quality Certificate for Clark and Evelyn Woodworth for property located at 13 Wardell Avenue for the replacement of the existing bulkhead.

On motion by Councilwoman DeVoe, seconded by Councilman Hemphill, the above three communications were ordered received. All in favor.

COMMITTEE REPORTS:

None.

UNFINISHED BUSINESS:

ORDINANCE 08-002 G TO AMEND CHAPTER IX SEWER AND WATER FEE CHARGES. PUBLIC HEARING:

The Municipal Clerk/Administrator stated that an ordinance entitled:

08-002 G
AN ORDINANCE TO AMEND THE CODE
OF THE BOROUGH OF RUMSON BY
AMENDING CHAPTER IX, SEWER AND WATER

was scheduled for public hearing at this time. He stated that the ordinance had been posted and published and the affidavit of publication is on file.

On motion by Councilman Rubin, seconded by Councilman Broderick, the public were given an opportunity to be heard on this ordinance in final reading. All in favor.

There was no response from the public.

On motion by Councilman Rubin, seconded by Councilman Broderick, the public hearing on this ordinance was declared closed. All in favor.

Councilman Rubin moved the adoption of this ordinance in final reading. Motion seconded by Councilman Broderick and carried on the following roll call vote:

In the affirmative: Broderick, DeVoe, Hemphill, Kammerer, Rubin and Shanley.

In the negative: None.

Absent: None.

NEW BUSINESS:

RESOLUTION TO APPROVE THE PERSON-TO-PERSON TRANSFER OF PLENARY RETAIL CONSUMPTION LIQUOR LICENSE FOR JOBIE, INC. (T/A BRIODY’S) TO DCJ RUMSON, LLC (T/A MURRAY MACGREGORS) EFFECTIVE MARCH 18, 2008:

Councilwoman DeVoe offered the following resolution and moved its adoption:

**ALCOHOLIC BEVERAGE CONTROL RESOLUTION
PERSON-TO-PERSON TRANSFER**

WHEREAS, an application has been filed for a Person-to-Person Transfer of Plenary Retail Consumption License Number 1342-32-002-004, heretofore issued to Jobie, Inc. (trading as Briody’s) for premises located at 132 East River Road, Rumson; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business;

NOW, THEREFORE, BE RESOLVED that the Borough Council of the Borough of Rumson does hereby approve, effective March 18, 2008, the transfer of the aforesaid Plenary Retail Consumption License to DCJ Rumson, LLC (trading as Murray MacGregors), and does hereby direct the Municipal Clerk to endorse the license certificate to the new ownership as follows: “This license, subject to all its terms and conditions, is hereby transferred to DCJ Rumson, LLC (trading as Murray MacGregors), effective March 18, 2008.”

Resolution seconded by Councilman Hemphill and carried on the following roll call vote:

In the affirmative: Broderick, DeVoe, Hemphill, Kammerer, Rubin and Shanley.

In the negative: None.

Absent: None.

2007 RESERVE APPROPRIATION TRANSFER RESOLUTION:

Councilman Broderick offered the following resolution and moved its adoption:

RESOLUTION

WHEREAS, N.J.S.A. 40A:4-59 states should it become necessary during the first three months of the following year to expend for certain purposes specified in the budget an amount in excess of the respective amounts appropriated therefore and there shall be an excess in one or more appropriations, the Governing Body may, by resolution, adopted by not less than 2/3 vote, transfer the amount of such excess to those appropriations deemed to be insufficient;

BE IT RESOLVED by the Mayor and Council of the Borough of Rumson that the following transfers between 2007 Reserve Appropriations be and same are herby approved:

To:	Administrative and Executive Other Expenses	\$ 10,000.00
	Engineering Other Expenses	\$ 40,000.00
	Utility and Bulk Expenses	
	Electricity	\$ 2,000.00
	Street Lighting	\$ 2,000.00
	Total	\$ 54,000.00
From:	Legal Other Expenses	\$ 50,000.00
	Utility and Bulk Expenses	

Landfill	\$ 4,000.00
Total	\$ 54,000.00

BE IT FURTHER RESOLVED that the Borough Chief Financial Officer be and is hereby authorized and directed to debit and credit said accounts for 2007 accordingly.

Resolution seconded by Councilman Shanley and carried on the following roll call vote:

In the affirmative: Broderick, DeVoe, Hemphill, Kammerer, Rubin and Shanley.

In the negative: None.

Absent: None.

TEMPORARY CAPITAL BUDGET RESOLUTION:

RESOLUTION
TEMPORARY CAPITAL BUDGET

WHEREAS, it is desired to adopt a 2008 Temporary Capital Budget;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Rumson, County of Monmouth, that the following 2008 Temporary Capital Budget be adopted:

CAPITAL BUDGET
2008

1 Project	2 Project Number	3 Estimated Total Cost	4 Amounts Reserved in Prior Years	Planned Funding Services for Current Year 2008					6 To Be Funded In Future Years
				5a 2008 Budget Appropriation	5b Capital Improvement Fund	5c Capital Surplus	5d Grants-in-Aid & Other Funds	5e Debt Authorized	
New Borough Hall	1	1,000,000.00			47,619.05			952,380.95	
TOTALS ALL PROJECTS		1,000,000.00	0.00		47,619.05		00.00	952,380.95	

3 YEAR CAPITAL PROGRAM 2008 – 2010
Anticipated PROJECT Schedule and Funding Requirement

1 Project	2 Project Number	3 Estimated Total Cost	4 Estimated Completion Time	5 Funding Amounts Per Year					
				Budget Year 2008	2009	2010	2011	2012	2013
New Borough Hall	1	1,000,000.00	2009	1,000,000.00					
TOTALS ALL PROJECTS		1,000,000.00		1,000,000.00					

3 YEAR CAPITAL PROGRAM 2008 – 2010
SUMMARY OF ANTICIPATED FUNDING SOURCES AND AMOUNTS

1 Project	2 Estimated Total Cost	3 Budget Appropriations		4 Capital Improvement Fund	5 Capital Surplus	6 Grants In Aid and Other Funds	7 Bonds and Notes			
		Current Year 2008	Future Years				General	Self- Liquidating	Assessment	School
New Borough Hall	1,000,000.00			47,619.05			952,380.95			
TOTALS ALL PROJECTS	1,000,000.00			47,619.05		0.00	952,380.95			

BE IT FURTHER RESOLVED that two certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services.

It is hereby certified that this is a true copy of a resolution adopting a 2008 Temporary Capital Budget by the governing body on the 11th day of March 2008.

The above Resolution was moved by Councilman Hemphill, seconded by Councilman Shanley and carried on the following roll call vote:

In the affirmative: Broderick, DeVoe, Hemphill, Kammerer, Rubin and Shanley.

In the negative: None.

Absent: None.

TEMPORARY EMERGENCY APPROPRIATION RESOLUTION:

Councilwoman DeVoe offered the following resolution and moved its adoption:

RESOLUTION

WHEREAS, the temporary appropriations previously adopted will be inadequate to the point when the 2008 Budget will be finally adopted; and

WHEREAS, N.J.S.A. 40A:4-20 states that the Governing Body may, by resolution adopted by a 2/3 vote of full membership, make emergency temporary appropriations for any purposes for which appropriations may lawfully be made for the period between the beginning of the current fiscal year and the date of the adoption of the budget for said year;

BE IT RESOLVED by the Mayor and Council of the Borough of Rumson that the following emergency temporary appropriations, in addition to the temporary appropriations already adopted, be adopted, and it is stated that these emergency temporary appropriations shall be included in the 2008 Budget when adopted.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Borough Chief Financial Officer, and the Director of the Division of Local Government Services.

Administrative and Executive	
– Other Expenses	\$ 10,000.00
Municipal Clerk – Other Expenses	\$ 2,500.00
Newsletter – Salary and Wages	\$ 216.66
Collection of Taxes – Other Expenses	\$ 1,500.00
Engineering – Other Expenses	\$ 15,000.00
Utility and Bulk Expenses	
Telephone	\$ 5,500.00
Board of Health – Other Expenses	\$ 300.00
VNA	\$ 225.00
Construction – Salary and Wages	\$ 10,600.00
P.E.R.S.	\$ 2,543.00
Sewer Authority Share of Cost	\$ 21,250.00
Group Insurance	\$110,000.00
P.E.R.S.	\$159,314.40
P.F.R.S.	\$334,287.00

Resolution seconded by Councilman Broderick and carried on the following roll call vote:

In the affirmative: Broderick, DeVoe, Hemphill, Kammerer, Rubin and Shanley.

In the negative: None.

Absent: None.

RESOLUTION TO AUTHORIZE CHANGE ORDER NO. 2 AND FINAL FOR THE BOROUGH'S CONTRACT WITH QUALITY ELECTRICAL CONSTRUCTION CO. FOR THE IMPROVEMENTS TO PUMPING STATION "A":

Councilman Shanley offered the following resolution and moved its adoption:

RESOLUTION

WHEREAS, Quality Electric was awarded a contract on November 29, 2006 for Pumping Station "A" located at the northerly end of Avenue of Two Rivers; and

WHEREAS, work on Pumping Station "A" is now complete; and

WHEREAS, it was necessary to have additional work done on the Borough's Pumping Station "A" to install a float for the drywell alarm, supply and install new line side lug in the CT cabinet and to disconnect and remove abandoned control switches, solenoid, pipe and wire in the lower level of the pump station; and

WHEREAS, this work became necessary after Change Order No. 1 and Final had been approved by the Borough Council on December 13, 2007;

NOW, THEREFORE BE IT RESOLVED that the Borough Council of the Borough of Rumson hereby approves Change Order No. 2 and Final of the Borough's contract with Quality Electrical Construction Co., 290 Laurel Avenue, West Keansburg, NJ 07734-3022, for the 2006 Improvements to Pumping Station "A", which change order will reflect a net increase of \$3,458.50. Said change order was recommended by the Project Engineer in a letter dated March 4, 2008, a copy of which is on file in the Borough Clerk's office.

Resolution seconded by Councilman Rubin and carried on the following roll call vote:

In the affirmative: Broderick, DeVoe, Hemphill, Kammerer, Rubin and Shanley.

In the negative: None.

Absent: None.

RESOLUTION TO AUTHORIZE THE REFUND OF THE OVERPAYMENT OF PROPERTY TAXES DUE TO A STATE TAX COURT JUDGMENT FOR MICHAEL M. CANTOR FOR BLOCK 80, LOTS 5 AND 6.01:

Councilwoman DeVoe offered the following resolution and moved its adoption:

RESOLUTION TO AUTHORIZE THE REFUND OF A PROPERTY TAX OVERPAYMENT DUE TO A TAX APPEAL COURT JUDGMENT

WHEREAS, State Tax Court Judgments, dated January 25, 2008, have been favorably awarded to Michael M. Cantor, Block 80, Lots 5 and 6.01, for fiscal years 2006 and 2007; and

WHEREAS, such judgments have resulted in an overpayment of 2006 and 2007 property taxes in the amount of \$41,485.20;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Rumson, that, upon confirmation of no further appeal being filed, the overpayment in the amount of \$41,485.20 be refunded to Wolf Block and Michael M. Cantor, 101 Eisenhower Parkway, Roseland, New Jersey 07068; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Tax Collector and Chief Financial Officer.

Resolution seconded by Councilman Hemphill and carried on the following roll call vote:

In the affirmative: Broderick, DeVoe, Hemphill, Kammerer, Rubin and Shanley.

In the negative: None.

Absent: None.

RAFFLE APPLICATION FOR FAMILY & CHILDREN'S SERVICE 50/50:

The Municipal Clerk/Administrator stated that he had received an application for a raffle from Family & Children's Service, 191 Bath Avenue, Long Branch. Said raffle to be held at Rumson Country Club on June 16, 2008 at 8:00 p.m.

The Clerk stated that the application was in order and fees paid.

On motion by Councilwoman DeVoe, seconded by Councilman Broderick, this application was approved. All in favor.

ANNOUNCEMENT BY THE MAYOR:

Mayor Ekdahl made the following Announcement:

Borough Hall will be closed on Friday, March 21st in observance of Good

Friday. There will be no garbage collection on March 21st. All those residents whose garbage collection day falls on Good Friday will have to wait until their next regular collection day.

We would like to wish our residents and friends a happy and holy Easter.

Thank you for your cooperation.

FINANCIAL OFFICER’S REPORT:

The Municipal Clerk/Administrator advised that the Financial Officer’s Report would be carried to the next Borough Council meeting because the Chief Financial Officer had a medical emergency this afternoon and did not have time to prepare it.

CONSIDERATION OF BILLS AND CLAIMS (RESOLUTION):

Councilman Broderick offered the following resolution and moved its adoption:

\$	400.00	Monmouth County SPCA
\$	292.20	NJ State Dept of Health
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\$	692.20	Animal Control Account
\$	20,629.00	Quality Electrical Const Co
\$	5,982.50	Leon S Avakian Inc
\$	1,455.00	First Due Emergency Supply Co
\$	3,458.50	Quality Electrical Const Co
\$	20,510.75	Design Ideas Group
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\$	52,035.75	Capital Account
\$	122.63	Action Office Supplies
\$	245.00	Action Printing
\$	16,222.19	Allied Oil Company
\$	66.24	Asbury Park Press
\$	116.97	Asbury Park Press
\$	11,377.50	Leon S Avakian Inc
\$	800.00	Becker Tree Service
\$	42.00	Boxwood Gardens
\$	5,000.00	Branin’s Contracting Co
\$	98.00	Butches Auto Car Wash
\$	193.00	Coast Cities Equipment Sales
\$	35.20	Coffee Man Co Inc
\$	54.75	Custom Tire Associates
\$	6,465.36	Delta Dental Plan of NJ
\$	19.68	Dell Inc
\$	86,125.00	Depository Trust Company
\$	15.00	Jane F Hartman
\$	2,032.46	International Salt
\$	225.33	JCP&L
\$	762.56	Johnny on the Spot
\$	104.45	Kepwell Natural Spring Water
\$	707.50	Joan Kingdon
\$	750.00	Middletown Police Dept
\$	10,417.38	Treasurer County of Monmouth
\$	150.00	Monmouth Municipal Judges Assoc
\$	60.00	Monmouth County Assessors Assoc
\$	1,000.00	Treasurer Cty of Monmouth
\$	600.00	Nautilux Custom Canvas
\$	192.04	Naylor’s Inc
\$	477.65	New Jersey American Water
\$	62,416.64	State of NJ Pensions/Active
\$	34,978.77	State of NJ Pensions/Retiree
\$	39.00	NJ Water Environment Assoc
\$	201.91	Norwood Auto Parts
\$	98.55	One Call Systems

\$	968.08	Elsalyn Palmisano
\$	224.93	Hydrair Inc
\$	1,716.66	Reusille Mausner Carotenuto
\$	16.04	Thomas S Rogers
\$	2,037.50	Roy Press Printers
\$	1,961,051.92	Rumson Elementary School Dist
\$	1,663,548.45	RFH Regional High School
\$	26.50	Sanitation Equipment Corp
\$	134.59	Seaboard Welding Supply Inc
\$	8,556.39	South Jersey Energy
\$	775.00	State Shorthand Reporting Serv
\$	426.83	Stewart Plumbing
\$	52.50	Targeted Technologies LLC
\$	1,610.25	T & M Associates
\$	90.44	The Two River Times
\$	399,147.00	Two Rivers Water
\$	131.63	Verizon
\$	68.87	George Wall Lincoln Mercury
\$	41,485.20	Wolf Block and Michael M. Cantor
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\$	4,324,281.54	Current Fund
\$	1,179.00	Brennan's Deli
\$	7,800.00	Matt Matiassek
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\$	8,979.00	Endowment Inc Account
\$	30.00	Charles Bertrand
\$	8,600.00	EMSA
\$	122.43	John Hird
\$	520.00	Chuck Iarussi
\$	1,806.00	ASA Umpires Monmouth Chapter
\$	90.00	Kelly Murphy
\$	692.75	Kathleen VanDam
\$	300.00	Chris Whittet
\$	30.00	Martha Wooding-Young
\$	30.00	Martha Wooding-Young
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\$	12,221.18	Recreation Account
\$	20,128.56	Current Fund Appropriations
\$	4,304,152.98	Current Fund Appropriations
\$	692.20	Animal Control Fund Expenses
\$	52,035.75	Capital Fund Disbursements
\$	8,979.00	Endowment Disbursements
\$	12,221.18	Recreation Disbursements
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\$	4,398,209.67	Total Of All Funds

Resolution seconded by Councilman Hemphill and carried on the following roll call vote:

In the affirmative: Broderick, DeVoe, Hemphill, Kammerer, Rubin and Shanley.

In the negative: None.

Absent: None.

COMMENTS FROM THE COUNCIL:

The Mayor afforded the members of the Council an opportunity to be heard at this time and no one responded.

COMMENTS FROM THE PUBLIC:

The Mayor afforded the public an opportunity to be heard at this time and the following residents responded:

A resident from 1 Parmly Street stated that she was at this meeting to ask if the contractor that would be doing the construction of the new Borough Hall building was the same Benjamin R. Harvey that was responsible for the building debacle of the County building in Freehold.

Mayor Ekdahl stated that it was the same company but he didn't think that we considered it a debacle.

The resident stated that it had cost overruns of hundreds of thousands of dollars.

Mayor Ekdahl stated that he had not seen the documents but had read that in the paper. He stated that you had to understand that our Project went through the public bidding process and that we chose the lowest qualified bidder. The Mayor stated that we did not expect overruns because this Project was new construction and not renovations to an old building, as was the case in Freehold, where the contractor ran into unexpected problems.

The resident asked if the contract would have anything included that would protect the Borough from cost overruns.

Mayor Ekdahl stated that the contract would be a standard contract. He added that there could be some change orders on the Project but that on new construction they were usually modest, unlike buildings that were refurbished with numerous change orders (as on the Freehold project).

In answer to a question by the resident, the Mayor stated that he could not guarantee that there would be no large overruns.

The Borough Attorney said that the contract would protect the people of Rumson. He stated that the Borough knows what the costs should be according to the bids and specs and the Borough Engineers and Architects have looked at the bid submitted by the lowest qualified bidder and the Borough was comfortable with it. He added that the problem in the Freehold project, as he understood it, was that when they broke open the walls they found all kinds of problems that had not been anticipated; with the new Borough Hall building being new construction, there would not be that kind of problem.

The resident asked if we had some protection against the contractor not finishing the Project.

The Borough Attorney advised that the contractor put up a performance bond as part of the contract to insure the completion of the work and that if he were to walk off the job, the Borough could use the bond to have the work completed.

The Municipal Clerk/Administrator advised that a performance bond was used to have a second contractor complete the section of the building in which this meeting was being held. The contractor that had been awarded the contract to build went bankrupt and the Borough had to pursue the bonding company to have the project finished by another contractor. The Municipal Clerk/Administrator advised that his understanding of the County project, as the Borough Attorney had stated, was that the contractor ran into unexpected problems during the course of the work and that it was the decision of the County and the contractor to part ways because of the amount of money that had been appropriated for the project—the money for the project had run out because of all of the change orders.

Mayor Ekdahl stated that the resident had raised an issue that the Borough had looked into at the beginning of the project of whether we should refurbish the existing building—the experts that had been consulted had advised that structurally it could not be done. The Mayor added that the Borough was also a bit afraid of the possibilities that the resident brought up as had happened in Freehold; you really don't know what will be found in an old building. He stated that new construction has far less risk.

The Municipal Clerk/Administrator advised that it might be helpful for the resident to know that in the bidding process on this Project, twenty-six companies picked up bid packages and sixteen companies submitted bids. He added that Benjamin R. Harvey had been the second lowest bidder (the lowest bidder did not supply all documents necessary at the time of the bid) and his bid was guaranteed to the Borough even if it takes them eighteen months to finish the project—if steel costs go up he cannot issue a change order to cover the increase.

The resident asked if that meant that there would be no cost overruns.

The Municipal Clerk/Administrator stated that he had not said that, he stated that the contract cannot change because of increases in material or labor costs that were included in the bid.

Councilman Rubin stated that the Council and Engineers had spent two years trying to prepare the plans as completely as possible, with every detail on the specs, to avoid just what the resident has brought up tonight.

The resident thanked the Mayor and Council and stated that they had answered her concerns.

Mark Warnsman of 47 Forrest Avenue asked the Council what the status was for the sidewalk project on Forrest Avenue.

The Municipal Clerk/Administrator advised that the Borough was waiting for a discussion that the Borough was to have with the State regarding funding that would be available for the Capital Improvement Budget for this year and he turned the question back to the Mayor and Council for their comment.

Mayor Ekdahl stated that the Borough had a grant that would be coming for sidewalks around the school property and some of the funding might be used for the Forrest Avenue sidewalks.

Mr. Warnsman posed a question regarding the property on the southwest corner of Forrest Avenue and Narumson Street that had been on the market for some time and that recently a “For Rent” had gone up: he said that originally the Borough had excluded that portion of the sidewalk from the Borough plans assuming that the house would be a teardown and the builder would be responsible for putting in the sidewalk in front of the new house; he wondered if that had changed.

The Municipal Clerk/Administrator stated that in the final plans there would be a square yard figure for concrete needed on the project and if need be they would adjust it to include that property.

ADJOURNMENT:

On motion by Councilwoman DeVoe, seconded by Councilman Rubin, the meeting adjourned at 7:47 p.m. All in favor.

Respectfully submitted,

Thomas S. Rogers, R.M.C.
Municipal Clerk/Administrator